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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,185	08/16/2001	Jarmo Pulkkinen	P 281584 299098US/HS/HER	1112
909 7590 02/09/2007 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			EXAMINER NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/930,185	<b>Applicant(s)</b> PULKKINEN, JARMO	
	<b>Examiner</b> Dustin Nguyen	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-23 are presented for examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/10/2007 has been entered.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claims 19 and 21, it only appears to be producing a tangible result which enables any usefulness of having determined if it identifies both the location and a required protocol. Under all other conditions, the final result achieved is a determination which has not been used nor made available for use in the disclosed practical application [ i.e. there is no tangible result if it does not identifies the location and protocol ]. As

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such, no usefulness of having made the determined can be realized. Therefore, the claims do not provide a tangible result.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 7, 8, 14, 16-18, 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Hemphill et al. [ US Patent No 6,167,448 ].

6. As per claim 1, Hemphill discloses the invention as claimed including a method of data transmission to a network management system [ i.e. the event notification logic transmits the event notification message to the management server ] [ Figure 1; and col 1, lines 38-46 ], the method comprising:

providing a response to be transmitted to the network management system [ i.e. the event notification module assembles an event notification message in response to one or more management events ] [ col 7, lines 15-22; and col 14, lines 2-6 ], the response including at least one pointer indicating a location of additional information in a data communication network or network element external to the network management system [ i.e. a URL to locate one or more

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information files in the network that provides further information about the management event ] [ Figures 2 and 3 ; Abstract; col 8, lines 27-45; and col 14, lines 36-41 ]; and

transmitting the response to the network management system [ i.e. the event notification logic transmits the ENM to the management server ] [ Abstract; and col 1, lines 43-46 ].

7. As per claim 2, Hemphill discloses receiving the response in the network management system [ i.e. the management server includes an event processor that receives and parses the ENM ] [ col 2, lines 15-17; and col 13, lines 39-47 ]; and transmitting the pointer to a network management system user [ i.e. EVENTURL is a field that specifies a URL that may be accessed to view additional information ] [ col 4, lines 58-col 5, lines 15; and col 9, lines 60-62 ].

8. As per claim 3, Hemphill discloses receiving a request for additional information in the network management system [ i.e. the user to select and view detailed information ] [ col 4, lines 48-65; and col 13, lines 34-38 ]; and opening the additional information at the location indicated by the pointer [ i.e. the location pointer may comprise a URL to locate and retrieve one or more information files ] [ col 8, lines 27-45 ].

9. As per claim 7, Hemphill discloses wherein the pointer identifies both the location of the additional information and a protocol [ col 10, lines 22-62; and col 13, lines 1-30 ].

10. As per claim 8, it is rejected for similar reasons as stated above in claims 1 and 7.

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11. As per claim 14, it is rejected for similar reasons as stated above in claim 1. Furthermore, Hemphill discloses a telecommunication network [ Figure 2; and col 6, lines 44-col 7, lines 5 ].

12. As per claim 16, it is rejected for similar reasons as stated above in claim 1. Furthermore, Hemphill discloses store additional information in a predetermined form [ i.e. convert management data into a form that may be browsed ] [ col 3, lines 29-43 ].

13. As per claim 17, it is rejected for similar reasons as stated above in claim 14.

14. As per claim 18, it is rejected for similar reasons as stated above in claim 3.

15. As per claim 20, it is rejected for similar reasons as stated above in claims 2, 3 and 14.

16. As per claim 21, it is rejected for similar reasons as stated above in claims 7 and 14.

17. As per claims 22 and 23, they are program product claimed of claims 14 and 17, they are rejected for similar reasons as stated above in claims 14 and 17.

***Claim Rejections - 35 USC § 103***

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 4-6, 9-13, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemphill et al. [ US Patent No 6,167,448 ], in view of Leong et al. [ US Patent No 5,996,010 ].

20. As per claim 4, Hemphill discloses performing a function relating to network management in a network element [ col 8, lines 15-26 ]. Hemphill does not specifically storing information concerning the function as additional information in a predetermined location in a predetermined form. Leong discloses storing information concerning the function as additional information in a predetermined location in a predetermined form [ i.e. the location of the remote file is determined by an agent.config file ] [ col 10, lines 23-33 and 42-45 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hemphill and Leong because Leong's teaching of determining the location of remote file would provide a mechanism whereby network management can be performed over an internet or an intranet using a web browser [ Leong, col 15, lines 60-col 16, lines 8 ].

21. As per claim 5, Hemphill discloses performing a function relating to network management in a network element [ col 8, lines 15-26 ]. Hemphill does not specifically disclose storing information concerning the function as additional information in a location determined by the network management system. Leong discloses storing information concerning the function as additional information in a location determined by the network management system [ col 10,

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lines 23-33 and 42-45 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hemphill and Leong because Leong's teaching of determining the location of remote file would provide a mechanism whereby network management can be performed over an internet or an intranet using a web browser [ Leong, col 15, lines 60-col 16, lines 8 ].

22. As per claim 6, Hemphill does not specifically disclose wherein the response is an alarm transmitted to the network management system. Leong discloses wherein the response is an alarm transmitted to the network management system [ col 14, lines 8-12 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Hemphill and Leong because Leong's teaching of alarm or alert condition would allow a continuous and dedicated TCP/IP connection to be established between a client and a network management agent, thus allowing a network manager, utilizing a browser, continually to monitor various aspects of a network device [ Leong, col 16, lines 1-9 ].

23. As per claim 9, it is rejected for similar reasons as stated above in claims 1, 6 and 7.

24. As per claim 10, it is rejected for similar reasons as stated above in claims 1, 4 and 6.

25. As per claim 11, it is rejected for similar reasons as stated above in claims 1, 3 and 4.

26. As per claim 12, it is rejected for similar reasons as stated above in claims 1, 3, 5 and 6.



27. As per claim 13, it is rejected for similar reasons as stated above in claims 1, 3, 4 and 6.

28. As per claim 15, it is rejected for similar reasons as stated above in claims 4 and 14.

29. As per claim 19, it is rejected for similar reasons as stated above in claim 6.

30. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

31. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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A handwritten signature in black ink, appearing to read 'Dustin', with a long horizontal flourish extending to the right.